

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

TAWANNA OGLESBY,	:	
Plaintiff,	:	Case No.: 3:20-cv-00346-WHR-PBS
vs.	:	District Judge: Walter H. Rice
	:	Magistrate Judge: Peter B. Silvain, Jr.
FEDEX GROUND PACKAGE SYSTEM, INC., and GIACHERIO, INC.,	:	
Defendants.	:	

**FEDEX GROUND PACKAGE SYSTEM, INC.’S MOTION REQUESTING ORAL
ARGUMENT ON ITS OPPOSITION TO PLAINTIFF’S MOTION FOR CONDITIONAL
CERTIFICATION**

Defendant FedEx Ground Package System, Inc. (“FedEx Ground”) respectfully requests an opportunity for oral argument on its Opposition to Plaintiff’s Motion for Conditional Certification (Def. Opp’n to Pl. Mot. for Conditional Certification, ECF No. 72). As grounds for and in support of this motion, FedEx Ground states as follows:

1. On September 23, 2022, Plaintiff filed a Motion for Conditional Certification. (Pl. Mot. for Conditional Certification, ECF No. 63.)

2. On November 4, 2022, FedEx Ground filed its Opposition to Plaintiff’s Motion for Conditional Certification. (Def. Opp’n to Pl. Mot. for Conditional Certification, ECF No. 72.)

3. Also on November 4, 2022, Defendant Giacherio, Inc. filed its Response to Plaintiff’s Motion for Conditional Certification. (Def. Mem. in Opp’n to Pl. Motion for Conditional Certification, ECF No. 71.)

4. On December 2, 2022, Plaintiff filed a Reply to Response to Motion for Conditional Certification. (Pl. Reply in Support of Mot. for Conditional Certification, ECF NO. 74.)

5. Accordingly, this issue is fully briefed and ready for disposition.

6. Given the significance of the issues to be resolved and the complicated facts on which the motion is based, and the amount of time added to the case if the Court were to conditionally certify a collective, FedEx Ground respectfully submits that oral argument would assist the Court in deciding this important issue.

7. Further, oral argument will allow the parties to address any questions the Court may have concerning the issues raised in the briefing and future proceedings in this case.

WHEREFORE, FedEx Ground respectfully requests the Court hear oral argument on its Opposition to Plaintiff's Motion for Conditional Certification (Def. Opp'n to Pl. Mot. for Conditional Certification, ECF No. 72). A proposed order is submitted herewith.

Dated: December 7, 2022

Respectfully submitted,

/s/ Natalie R. Colao

Joseph A. Farchione (0039199)
Jessica G. Scott (admitted *pro hac vice*)
David J. Schaller (admitted *pro hac vice*)
Natalie R. Colao (admitted *pro hac vice*)
Wheeler Trigg O'Donnell LLP
370 Seventeenth Street, Suite 4500
Denver, Colorado 80202
Telephone: 303.244.1800
Facsimile: 303.244.1879
Email: farchione@wtotrial.com
scott@wtotrial.com
schaller@wtotrial.com
colao@wtotrial.com

Attorneys for Defendant
FedEx Ground Package System, Inc.

CERTIFICATE OF SERVICE (CM/ECF)

I HEREBY CERTIFY that on December 7, 2022, I electronically filed the foregoing **FEDEX GROUND PACKAGE SYSTEM, INC.'S MOTION REQUESTING ORAL ARGUMENT ON ITS OPPOSITION TO PLAINTIFF'S MOTION FOR CONDITIONAL CERTIFICATION** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following email addresses:

- **James L. Simon**
james@simonsayspay.com
- **Clifford Bendau II**
cliffordbendau@bendaulaw.com; cliff@bswages.com
- **Michael Fradin**
mike@fradinlaw.com, mikefradin@gmail.com
- **Andy Vollmar**
avollmar@bcvalaw.com
- **James Gerard Kordik**
jkordik@rogersgreenberg.com

/s/ Natalie R. Colao
Natalie R. Colao